



10/25/04

AF#  
ETW

ELX- 5704(US)  
BXTR 9005  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of L. Thompson  
Serial No. 09/637,962  
Filed August 11, 2000  
Confirmation No. 8001

Art Unit 1647

For THERAPEUTIC METHODS FOR TREATING SUBJECTS WITH A RECOMBINANT  
ERYTHROPOIETIN HAVING HIGH ACTIVITY AND REDUCED SIDE EFFECTS  
Examiner Regina M. Deberry

October 22, 2004

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450

SIR:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated July 22, 2004, rejecting the following claims: 66, 68, 76-85, 117-127, 129 and 130.

The appeal fee of \$340.00 is submitted herewith.

If there are any additional charges in this matter, please charge our Deposit Account No. 19-1345.

Respectfully submitted,

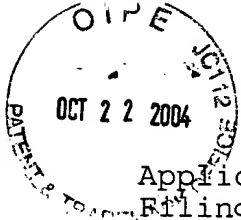
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340.00 OP

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**FEE TRANSMITTAL**

Application Number 09/637,962  
Filing Date August 11, 2000  
Confirmation No. 8001  
Inventor(s) L. Thompson  
Group Art Unit 1647  
Examiner Name Regina M. Deberry  
Attorney Docket Number ELX-5704(US); BXTR 9005

**METHOD OF PAYMENT**

1. ☐ The Commissioner is hereby authorized to charge the indicated fees to Deposit Account No. 19-1345.  
☐ The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 to Deposit Account No. 19-1345.  
☐ Applicant claims small entity status.
2. ☒ Check Enclosed. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

**FEE CALCULATION**

1. ☐ BASIC FILING FEE Subtotal (1) \$ \_\_\_\_\_  
(Type: \_\_\_\_\_)
2. ☐ EXTRA CLAIM FEES Subtotal (2) \$ \_\_\_\_\_  
Total Claims \_\_\_\_\_  
Independent Claims \_\_\_\_\_  
Multiple Dependent Claims \_\_\_\_\_
3. ☒ ADDITIONAL FEES Subtotal (3) \$ 340.00  
☐ Surcharge - late filing fee or oath  
☐ Surcharge - late provisional filing fee or cover sheet  
☐ Extension for reply within \_\_\_\_\_ month  
☒ Notice of Appeal  
☐ Filing a Brief in Support of an appeal  
☐ Request for ex parte Reexamination  
☐ Petitions to the Commissioner  
☐ Submission of Information Disclosure Statement  
☐ Recording each patent assignment per property  
☐ Request for Continued Examination  
☐ Other: \_\_\_\_\_

**TOTAL AMOUNT OF PAYMENT** \$ 340.00

  
Kathleen M. Petrillo, Reg. No. 35,076

October 22, 2004  
Date

KMP/lam

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